

REMARKS

Applicant has carefully reviewed the Office Action mailed on March 23, 2008. In response, claims 1-10 and 31 are pending. Claims 1-7, 9 and 10 are currently amended while claim 8 remains as original presented and claim 31 is newly presented.

On a preliminary note, Applicant amends the specification to correct a benefit claim after filing. Specifically, Applicant amends the specification to contain a reference in the first sentence following the title providing that the present application is a continuation of international application PCT/IB2004/004327, filed December 6, 2004. The present application meets the statutory requirements for a continuation application. Namely, the present application was filed before the original prior application became abandoned, it includes at least one inventor named in the original prior application and the disclosure is the same as in the original prior application.

In addition, Applicant notes that it had previously claimed the benefit of the same international application PCT/IB2004/004327, filed December 6, 2004, which has been acknowledged by the United States Patent and Trademark Office (see Filing Receipt mailed May 29, 2008). Thus, this is not a case of a new benefit claim, such as to a previously unidentified application. As a result of the benefit claim merely being corrected rather than added or changed to a new application, Applicant does not believe that a petition under 37 C.F.R. § 1.78(a)(3) and surcharge under 37 C.F.R. § 1.17(t) is required. *See MPEP § 201.11* ("A petition under 37 CFR 1.78(a)(3) and the surcharge would not be required for correcting a timely submitted benefit claim for the following situations: (A) Changing the relationship of the applications...."). In the event the Examiner believes a petition and/or fee is necessary, the undersigned respectfully requests the Examiner to contact the undersigned at the number listed below.

As evidenced in the record, Applicant previously paid the correct fees (totaling \$500.00) representing the basic national filing fee, examination fee and search fee for a small

entity along with a \$65.00 surcharge accompanying the filing of the oath or declaration. If Applicant filed the present application today, it is believed that the total for the sum of the basic national fee, examination fee and search fee for a small entity would be \$490.00. Accordingly, it is believed that Applicant has paid all the required fees and no additional fees are due.

With reference to the formal issues raised by the Examiner, Applicant has amended or cancelled the original claims (as shown above) such that the currently pending claims overcome the objections. Specifically, original claim 20 is canceled and, therefore, the Examiner's drawing and claim objections related to the use the recitation "socket holder" should be withdrawn. Further, the recitation "the or each" has been deleted from all of the claims and claims 11 and 22 have been deleted, so the Examiner's objections to these claims may be withdrawn. Applicant has also amended the claims to ensure that no multiple dependent claim improperly depends upon another multiple dependent claim. Finally, claims 1 and 3 have been amended while claims 20 and 23-30 have been canceled to obviate the issues raised by the Examiner related to 35 U.S.C. § 112, second paragraph. In summary, it is respectfully submitted that Applicant has addressed all of the formal issues.

Turning to the merits, original claims 1-6, 11-18 and 20 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by French Patent No. 2,837,323 to Maurice ("Maurice"). Further, claims 11, 13 and 22 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,201,589 to Jong ("Jong") and claims 14 and 15 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,381,064 to Bolen et al. ("Bolen").¹ As noted above, claims 7-10 and 21 were objected to as being in improper form because a multiple dependent claim cannot depend upon another

¹ As a result of the cancellation of claims 11-30, the Jong and Bolen references are no longer relevant to the current claims as the Examiner did not rely upon them for rejecting any of the pending claims. Thus, Applicant does not address these references.

multiple dependent claim. As a result, these claims were not examined by the Examiner. Finally, the Examiner notes that original claim 19 contains allowable subject matter, but is objected to as being dependent upon a rejected base claim.

As amended, independent claim 1 requires (among other elements) an electrical distribution system characterized by a power take off socket which cooperates with at least one carriage to lock the carriage in place on a conductive track. Advantageously, the use of a socket to lock the moveable carriage in place on the conductive track eliminates the need for any exposed clips or other parts, which may be displaced by people, such as a child's finger. When these elements are displaced, live parts of the track may be exposed, which is problematic for obvious reasons. Since the socket cannot be moved once it is properly positioned, there is no need for exposed tracks.

In contrast to the claimed invention, Maurice teaches a sole plate 200 (cited by the Examiner as the "carriage;" *see Office Action dated 3-18-2009, p. 5*), which is fixed in position by the use of clips 221 and 222 (cited by the Examiner as the "locking means;" *see id.*). These clips form part of the sole plate 200 and are separate from a socket mounting 400 (cited by the Examiner as the "electric power take off socket;" *see id.*). In use, the clips 221, 222 are used as part of the sole plate 200 and are pushed in from the side of the sole plate. Since these clips are not a part of the socket mounting 400, the socket does not cooperate with the sole plate to lock it. Importantly, the sole plate may be locked using the clips whether or not the socket is properly positioned in place. Since the socket in Maurice can be moved, it has an express need for exposed tracks.

As the law provides, an "anticipation" rejection under Section 102(b) requires "strict identity" between the prior art invention and the one set forth in the claim. *See Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (holding that an anticipating reference must describe all claimed aspects of the invention). The possibility, or even probability, that the claimed structure exists in the reference is inadequate

to meet the “strict identity” requirement for a proper anticipation rejection. *See Continental Can Company USA v. Monsanto Company*, 948 F.2d 1264, 1269, 20 USPQ2d 1746 (Fed. Cir. 1991) (holding that anticipation “may not be established by probabilities or possibilities”). As discussed above, Maurice fail to teach a power take off socket which cooperates with at least one carriage to lock the carriage in place on a conductive track as required in claim 1. Instead, it actually teaches exactly the opposite (i.e., the carriage and socket do not cooperate at all to lock the carriage). Accordingly, the anticipation rejections based upon Maurice should be withdrawn.

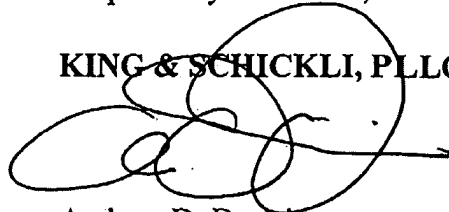
Claims 2-10 and 31 depend from claim 1 and are also believed to be allowable. *See Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1296, 63 USPQ2d 1597 (Fed. Cir. 2002) (noting that if an independent claim is not anticipated by prior art, then its dependent claims, which necessarily include the limitations of the independent claim, are not anticipated either). Moreover, Applicant notes the independent patentability of the inventions of certain of these claims. In particular, new claim 31 requires an electrical distribution system characterised by the respective socket including actuating pins insertable into the at least one carriage for causing locking of the at least one carriage on the insulating track. Claim 31 does not contain any new matter. Rather, it is primarily based upon previous claim 19 (“wherein the means to lock the carriage in place comprises pins extending from the power take off socket and insertable within the sliding carriage....”). In the Action, the Examiner noted that “the pins...[in Maurice] are not in the power take off socket (400 of fp)...[t]he pins are in the carriage (200 of fp). *See Office Action dated 3-18-2009, p. 8.* For at least this additional reason, claim 31 should be allowed.

In light of the foregoing, it is now believed that all pending claims are allowable. If any issues remain, the Examiner is encouraged to contact the Applicant’s counsel at the telephone number listed below in order to reduce costs and expedite the prosecution of this patent application. To the extent any fees are due for processing this response, the

undersigned authorizes their deduction from Deposit Account 11-0978.

Respectfully submitted,

KING & SCHICKLI, PLLC

A handwritten signature in black ink, appearing to be "Andrew D. Dorisio", written over the firm name.

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